



**California Office of
Health Information Integrity (CalOHII)**

REQUEST FOR APPLICATION

**Health Information Exchange
Demonstration Projects
For 2011**

January 14, 2011

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A. Call for Application to Participate in Health Information Exchange Demonstration Projects

The California Office of Health Information Integrity (CalOHII) is calling for applications from qualified entities to participate in the electronic health information exchange (HIE) demonstration projects. Qualified entities can include, but are not limited to, those awarded federal grants or funds such as the Beacon Community or Recovery Act Funds to Expand Use of Health Information Technology (HIT). Eligible entities should already be exchanging health information electronically or will be implementing that capability in 2011. Entities that plan to operationalize their exchange after 2011 may apply for future calls for demonstration projects.

Demonstration project participants will be testing electronic HIE privacy and security policies that will not only address the feasibility of implementation and gauge the implementation impact, but identify the need for standardization across all participating health care entities as the Participants gauge the impact of the policies. Participation in the demonstration projects will provide the Participants with clarification on privacy and security issues, protection and mitigation of legal risks, and the structure to facilitate valuable and appropriately safeguarded testing of policies within the demonstration projects regulations. This will allow the Participants to be engaged in the most advanced electronic exchange of health information environment in California as the State looks to the future.

By helping to develop implementation strategies consistent with the demonstration projects regulations, participating entities will be contributing to inform the CalOHII and HIE stakeholders on the critical privacy and security policy issues, identifying new and innovative privacy and security practices that enhance consumers trust and confidence with electronic exchange of health information. Results from the demonstration projects will inform the California legislature of the outcomes, best practices, and the need for harmonization with federal privacy and security law.

Applications must be submitted to CalOHII by 5:00 PM, **March 7, 2011**.

A.1 Description of Terms

The following terms are used in this Request for Application:

- “Request for Application” shall be called “application” for purposes of this document.
- “Applicant” shall mean any entity responding to this Request for Application.
- “Participant” shall mean any entity approved by CalOHII as a demonstration project participant.
- Health Information Exchange (HIE) shall mean the electronic movement of health-related information among organizations according to nationally recognized standards. (Office of National Coordinator, Defining Key Health Information Technology Terms, April, 28, 2008)

B. Background

CalOHII’s role and responsibilities specifically in the area of health information exchange includes the following:

- Administration of the State Cooperative Agreement for Health Information Exchange;

- Facilitation and support of the California Privacy and Security Board (CalPSAB) process for CHHS that advises and recommends privacy and security policies for California Healthcare stakeholders including consumers; and
- Implementation of the provisions of Assembly Bill 278 (2010, Chapter 227)

As authorized by AB 278, CalOHII is to establish and administer demonstration projects funded by federal grants and other sources. The demonstration projects are to do all of the following:

- (1) Identify barriers to implementing health information exchanges.
- (2) Test potential security and privacy policies for the safe and secure exchange of health information, including, but not limited to, issues related to access to, and storage of, individual health information.
- (3) Identify and address differences between state and federal laws regarding privacy of health information.

Additionally, as authorized, CalOHII will adopt regulations to ensure that all approved health information exchange service participants and demonstration project participants follow consistent rules and work within those parameters as they are engaged in the exchange of health information.

C. Participant Requirements

The demonstration projects will be testing specific areas of policy interest and importance in the electronic health information exchange landscape that are in alignment with California Health Information Exchange Strategic and Operational Plans. Approved projects will be operating under CalOHII's demonstration project regulatory authority and direction.

In the course of the demonstration project, the Participant will be required to have the ability to develop new or modify their current privacy and security procedures and practices to conform to demonstration project regulations issued by CalOHII. This is to ensure that all health information exchange that occurs within the demonstration project authority is consistent to and within the parameters of state established policies. Therefore, the Participant will be bound by the regulations established by the AB 278 authority.

Applicants for the demonstration projects are required to be California-based entities with a high level of preparedness in carrying out project management, research, and privacy and security policy testing for the electronic exchange of health information.

Participants receiving federal funding for the electronic exchange of health information, will be required to meet the ARRA reporting specifications for the HIE demonstration project.

C.1 Detailed Specifications for 2011

Many privacy and security policy areas have been the subject of intense deliberations both nationally and within California. Demonstration projects will be identified based on deliberations and collaborative efforts of stakeholders participating in the CalPSAB process. Through the collaborative process of the CalPSAB, specific policy areas have been and will continue to be identified for testing.

As an example, in order to develop more specific, effective, and feasible policies consistent with the patient informing and opt-in consent, CalOHII will be seeking participants that will implement procedures consistent with the opt-in policy that will inform CalOHII on the impact on a number of factors associated with the implementation of this policy. These factors include but are not limited to the following:

- Impact on consumer confidence with HIE;
- Additional educational and administrative impacts on different types of healthcare providers such as large integrated health systems, individual practices, clinics, labs, etc; and
- Identification of technical solutions that support the policies

It is through the demonstration projects that CalOHII will obtain objective and qualitative data on the impact of the recommended policies. It is anticipated that the lessons learned from the demonstration projects will help healthcare providers identify the key factors for a successful implementation of these policies. Demonstration projects will also help CalOHII and California stakeholders identify those policy considerations that will positively contribute to promoting the quality of care, enhancing trust, and enabling the electronic exchange of individual health information. Through these demonstration projects, CalOHII is aiming to also understand the feasibility, need for technical standards, effects on patient care, value of privacy protection, and the benefits and costs of the privacy and security policies being tested.

For calendar year 2011, CalOHII is seeking demonstration project participants that will propose comprehensive implementation strategies for the identified demonstration project. The goals of each demonstration project will include:

- Determine operational feasibility of implementing the policy;
- Determine operational feasibility of implementing an electronic HIE process;
- Discover issues associated with the operationalization of the policy; and
- Develop and propose policy solutions.

Cal OHII will, in the future, seek participants for demonstration projects, as allowed through AB 278, for calendar years 2011, 2012, 2013, and 2014. CalOHII will initially select demonstration projects for calendar year 2011 through this Request for Application. CalOHII will issue subsequent Request for Applications for future demonstration projects.

C.2 Scope of Demonstration Project Activities

Task 1: Project Start Up

The Participant will perform the following project start up tasks:

- Allocate sufficient and knowledgeable staff for required tasks associated with the HIE demonstration project.
- Develop the procedure for the policy that your project will be implementing and testing, including forms and education materials.
- Work with CalOHII staff to determine project team members and roles.
- Work with CalOHII staff to define specific measurable objectives for the demonstration project.

- Work with CalOHII staff to identify deliverables associated with the specific HIE demonstration project.
- Work with CalOHII staff to determine resources necessary for the demonstration project including staff and materials (education materials, forms, etc...).

Task 2: Data Collection

The Participant will collect data as specified by CalOHII for each demonstration project. Data collection will include both quantitative and qualitative data. For example, in the case of access controls, the types of data collected could include, but would not be limited to:

- Type(s) of access control mechanisms, number of users, etc.
- Information technology map (hardware/software applicable for implementing access control methodology)
- Estimated one time and recurring maintenance costs/requirements
- Length of time required to implement access controls
- End user training required (cost, resources, and scope)
- User surveys (questions on issues such as problems encountered in use of the mechanism, degree of security enhancement, etc.)

Specific, measurable objectives will be discussed with the Participant during start up. CalOHII will negotiate with the Participant regarding the measures and the data collection process.

Task 3: Compliance Certification

The Participant will be required to certify that the Participant is currently in compliance with state and federal law pertaining to the exchange of health information. If in the course of the demonstration projects, CalOHII identifies a significant variation to compliance, the Participant must ensure and prove baseline compliance in order to remain a demonstration project.

Task 4: Independent Project Evaluator (optional)

Analysis of the results of the demonstration project will be performed by a third party project evaluator. The Participant may provide an independent project evaluator for the demonstration project or CalOHII will provide one. The project evaluator must be available at the start of the demonstration project.

C.3 Deliverables and Milestones

Participant shall submit all applicable deliverables and reports on time, as described in this RFA, including additional documentation as required by CalOHII to the CalOHII Contract Manager. Deliverable due dates will be established by CalOHII.

C.4 Reporting Requirements

a. Project Updates and Status Reports

The following requirements apply to the Participant for the duration of the demonstration project:

- Monitor and provide status report to CalOHII on the HIE demonstration project's progress.

- Generate summary reports on measurable outcomes of the HIE demonstration project
- Generate annual report - Annual reports are due to CalOHII no later than sixty (60) calendar days following the close of the reporting period.

Status reports include a list of accomplishments by the Participant in the previous period, projected tasks for the upcoming period as well as identification of any issues/risks that could impact the timely completion of tasks. All reports are subject to revision by CalOHII during the demonstration project period.

b. Communications with CalOHII

For the duration of each demonstration project, Participant's staff shall work in coordination with the CalOHII office and are to be available for conference calls and/or meetings. Work plans shall be developed with specific milestones and projected due dates for outcomes in negotiation with and approved by CalOHII. Regular communication with CalOHII staff and management is required on the progress of the demonstration project and will include monthly meetings by webinar or in-person.

D. Point of Contact

The CalOHII Contract Manager is the point of contact for issues regarding this project.

Name	Phone	Email	Title
Azadeh Mohandessi-Fares	916.651.3364	amohande@ohi.ca.gov	Privacy Manager

E. Controls and Change

CalOHII and the Participant selected to carry out the demonstration project will sign a Memorandum of Understanding (MOU) or Cooperative Grant Agreement (CGA) specifying in detail the responsibilities of the parties to the MOU or CGA.

If unanticipated changes in the project deliverables are required during the course of the demonstration project, the Participant shall document the changes in a change control document. The Participant shall request approval of said changes in writing from the CalOHII Contract Manager. At the time the Participant or CalOHII identifies an unavoidable change that will require modification of the MOU or other issues materially affecting MOU deliverables, CalOHII may require all work to stop on the impacted objective until the changes are approved, or as CalOHII otherwise indicates.

F. Key Participant Personnel

The Participant shall designate qualified key personnel who will be responsible for the completion of all tasks during the engagement and who will perform the work necessary to accomplish the tasks defined above. Key personnel shall demonstrate the appropriate skills to perform the responsibilities indicated in this RFA.

Personnel commitments made in the Participant's proposal shall not be changed without prior written approval of the CalOHII Contract Manager, unless due to the resignation or death of any named individual. Staffing shall include these named individuals at the levels of effort

proposed. In addition to these key staff, the Participant shall supply suitably knowledgeable staff necessary to complete the required deliverables within the Participant's proposed timeframes.

CalOHII shall be notified in writing of any changes to the staff who are assigned to perform tasks within each demonstration project or of changes to the tasks assigned to each staff member. CalOHII reserves the right to require the removal of any member of the Participant's staff of the demonstration project.

F.1 Cost

The costs associated with each HIE demonstration project will be the responsibility of the Participant and CalOHII will not absorb such costs. These costs include but are not limited to travel costs, office equipment and stationary, information technology upgrades, research, data aggregation, and staff and/or management training.

CalOHII may provide limited grant funding to help offset some eligible expenses to an approved small, non-profit Participant. These approved demonstration projects could receive the funds toward use for eligible costs to implement, maintain, or complete the demonstration project.

Participants receiving ARRA funds are required to comply with the ARRA-mandated supplemental terms and conditions. Please see Attachment A for further information.

F.2 Timeframes

Events	Dates
Release of RFA	January 14, 2011
Deadline for submitting material questions about the RFA	January 19, 2011
Responses to applicant questions	January 24, 2011
RFA response submission due date and time	March 7, 2011
<i>Applications will not be accepted after the deadline.</i>	
Announcement of approved demonstration project applications	Approximately: April 7, 2011

G Terms and Conditions

G.1 Terms

The anticipated term of this demonstration project is one year. The life of a demonstration project could extend beyond one year in accordance with the scope of the demonstration project. The need to extend the demonstration project shall be identified and justified by the Participant, and communicated to CalOHII in writing. Upon receiving the request for extension and negotiation with the Participant CalOHII may exercise its option to extend the demonstration project.

G.2 Acceptance of Deliverables and Milestones

All deliverables will be reviewed and are subject to approval by CalOHII. Deliverable due dates will reflect those approved by CalOHII.

H Submission Requirements

H.1 RFA Response Deadline

CalOHII must receive responses to this RFA post marked no later than 5:00 p.m. PST on **March 7, 2011**, at the Health and Human Services Agency, in the CalOHII office located at 1600 9th Street, Room 460
Sacramento, California 95814

Responses must be clearly marked with the “Proposal for Health Information Exchange Demonstration Projects for 2011” on the mailing label. Hard copy material must be in two copies and each copy bound separately. Responses will not be accepted after the deadline. In addition, an electronic copy of the RFA response must be emailed no later than 5:00 p.m. PST on **March 7, 2011** to amohande@ohi.ca.gov and sgoodwin@ohi.ca.gov.

H.2 RFA Response Content

A. Responses to the Participant Requirements – Applicants must include an application that demonstrates the following:

- 1) Understanding of the CalOHII mission and California Health Information Exchange Strategic and Operational Plans;
- 2) Knowledge of California Privacy and Security Advisory Board stakeholder process;
- 3) In depth knowledge of all state statutes and federal rules related to privacy and security and the exchange of health information including but not limited to CMIA, HIPAA, and HITECH; and
- 4) Description of the organization’s ability and readiness to carry out the demonstration project in 2011, including but not limited to staffing and technological capability.

H.3 RFA Response – Additional Information

The following documents must be submitted in the RFA response:

- Applicant information sheet (see Attachment B);
- Applicant organizational chart;
- Applicant staffing for the demonstration project;
- References – Provide a minimum of two (2) customer references from previous projects, including the reference name, contact person, phone number and date (month/year) worked, that are similar in nature to the work outlined in the RFA; and
- Estimated budget to accomplish the activities described in section C.2.

Failure to submit any of the content specified in this Section will be considered a material deviation to the instructions and will be factored in the scoring of proposals.

I Evaluation Process

I.1 Scores

Each application will be scored under a “Best Value” method. The maximum points to be awarded are 50. Under this method, each response will receive scores for the technical response, readiness, and, if necessary, for the interview. For this RFA, a maximum of 10 points will be given for experience and staff skills’ set, a maximum of 15 points to the applicant’s preparedness, a maximum of 10 points to reporting and communication readiness, a maximum of 10 points to the quality of the response, and a maximum of 5 points will be given the interview, if needed. The applicant receiving the highest score will be offered to be the Participant of this demonstration project.

I.2 Evaluation Criteria

A. Submission Requirements – Each application will be reviewed to see if there has been any material deviation to the submission requirements. Proposals that have a material deviation will be scored accordingly. Material deviations include a submission after the deadline or failing to submit critical information specified in the RFA necessary for scoring the application.

B. Response Score Evaluation (50 points)

The following rating criteria are the evaluation criteria that will be used by the State to evaluate the applicant’s technical response to this RFA. The numbers in parenthesis represent the maximum possible value for each of the criteria, with a maximum overall total of 15 points.

- 1) The level of experience, knowledge, and skills of the staff assigned: **(10 points)**
 - Possession of a project management certification (i.e. PMP), a graduate degree in law or medicine or in one of the disciplines in the Health and Human Services area, and/or significant State experience in the HIE privacy and security area by the project manager will be considered in scoring.
- 2) A review of the applicant’s preparedness: **(15 points)**
 - Did the applicant include a minimum of two (2) references from previous projects that are similar in nature (e.g. HIE privacy and security, research, project management and policy testing) to the work outlined in this RFA? The references for each demonstration project should include contact name, telephone number and the project duration dates (month and year).
 - Is a description of the applicant’s proposed project included?
 - Do relevant factors of Applicant experience include any of the following:
 1. HIE projects;
 2. Privacy policy testing;
 3. Security policy testing;
 4. Government privacy/security projects;
 5. CalOHII privacy/security projects;
 6. HIPAA standards organization participation;
 7. HITECH policy development participation;
 8. Analytical ability in policy issue areas;
 9. Skills, resourcefulness and innovative ability in implementing new policy requirements in a multi-stakeholder environment;
 10. Prompt attention to client needs;

11. Reliability in meeting due dates for deliverables;
 12. The ability to pinpoint the problems or issues requiring a solution;
 13. The ability to state the goals and principal and subordinate objectives of the demonstration project(s); and
 14. The ability to research and identify other similar successful HIE demonstration projects that may have implications for the current demonstration project(s).
- 3) The extent to which the application clearly identified how reporting is to be provided over the life of the demonstration project, consistent communication with CalOHII senior management, and when deliverables are proposed for delivery. **(10 points)**
 - 4) The extent to which the applicant's response is clearly written, well organized, complete, accurate, and reflective of a high level of professionalism. The level of writing skills exhibited in the response should be appropriate for the performance required of the applicant. The response should indicate that care and effective business practices were followed in the applicant's preparation of the response as evidence of a high standard for work products. **(10 points)**

C. Interviews

The top three scores or all applicants within five points of the highest score, whichever is smaller, after the technical scores are calculated may be required to complete an interview with designated management in CalOHII. If an applicant declines or fails to complete the interview, no points will be awarded and the applicant's final score will be based on the first two categories only. **(5 points)**

Attachment A

Supplemental Federal Terms and Conditions

Bidders must comply with the ARRA-mandated supplemental terms and conditions for contracts using ARRA funds.

SUPPLEMENTAL TERMS AND CONDITIONS FOR CONTRACTS USING ARRA FUNDS

1. **ARRA FUNDED PROJECT:** Funding for this contract has been provided through the American Recovery and Reinvestment Act (ARRA) of 2009, Pub. L. 111-5. All contractors, including both prime and subcontractors, are subject to audit by appropriate federal or State of California (State) entities. The State has the right to cancel, terminate, or suspend the contract if any contractor or subcontractor fails to comply with the reporting and operational requirements contained herein.
2. **ENFORCEABILITY:** Contractor agrees that if Contractor or one of its subcontractors fails to comply with all applicable federal and State requirements governing the use of ARRA funds, the State may withhold or suspend, in whole or in part, funds awarded under the program, or recover misspent funds following an audit. This provision is in addition to all other remedies available to the State under all applicable State and federal laws.
3. **PROHIBITION ON USE OF ARRA FUNDS:** Contractor agrees in accordance with ARRA, Section 1604, that none of the funds made available under this contract may be used for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pools.
4. **REQUIRED USE OF AMERICAN IRON, STEEL AND OTHER MANUFACTURED GOODS:** Contractor agrees that in accordance with ARRA, Section 1605, neither Contractor nor its subcontractors will use ARRA funds for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel and manufactured goods used in the project are produced in the United States in a manner consistent with United States obligations under international agreements. The Contractor understands that this requirement may only be waived by the applicable federal agency in limited situations as set out in ARRA, Section 1605.
5. **WAGE RATE REQUIREMENTS:** In accordance with ARRA, Section 1606, the Contractor assures that it and its subrecipients shall fully comply with said Section and notwithstanding any other provision of law and in a manner consistent with other provisions of ARRA, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the federal government pursuant to ARRA shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the United States Secretary of Labor in accordance with Subchapter IV of Chapter 31 of Title 40, United States Code (Davis-Bacon Act). It is understood that the Secretary of Labor has the authority and functions set forth in Reorganization Plan Numbered 14 or 1950 (64 Stat. 1267; 5 U.S.C. App.) and Section 3145 of Title 40, United States Code.
6. **INSPECTION OF RECORDS:** In accordance with ARRA Sections 902, 1514 and 1515, Contractor agrees that it shall permit the State of California, the United States Comptroller General or his representative or the appropriate Inspector General appointed under Section 3 or 8G of the United States Inspector General Act of 1978 or his representative to: (1) examine any records that directly pertain to, and involve transactions relating to, this contract; and (2) interview any officer or employee of Contractor or any of its subcontractors regarding

the activities funded with funds appropriated or otherwise made available by the ARRA. Contractor shall include this provision in all of the contractor's agreements with its subcontractors from whom the contractor acquires goods or services in its execution of the ARRA funded work.

7. WHISTLEBLOWER PROTECTION: Contractor agrees that both it and its subcontractors shall comply with Section 1553 of the ARRA, which prohibits all non-federal Contractors, including the State, and all contractors of the State, from discharging, demoting or otherwise discriminating against an employee for disclosures by the employee that the employee reasonably believes are evidence of: (1) gross mismanagement of a contract relating to ARRA funds; (2) a gross waste of ARRA funds; (3) a substantial and specific danger to public health or safety related to the implementation or use of ARRA funds; (4) an abuse of authority related to implementation or use of ARRA funds; or (5) a violation of law, rule, or regulation related to an agency contract (including the competition for or negotiation of a contract) awarded or issued relating to ARRA funds. Contractor agrees that it and its subcontractors shall post notice of the rights and remedies available to employees under Section 1553 of Title XV of Division A of the ARRA.

8. FALSE CLAIMS ACT: Contractor agrees that it shall promptly notify the State and shall refer to an appropriate federal inspector general any credible evidence that a principal, employee, agent, subcontractor or other person has committed a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving ARRA funds.

9. REPORTING REQUIREMENTS: Pursuant to Section 1512 of the ARRA, in order for state agencies receiving ARRA funds to prepare the required reports, Contractor agrees to provide the awarding state agency with the following information on a monthly (quarterly) basis:

- a. The total amount of ARRA funds received by Contractor during the Reporting Period;
- b. The amount of ARRA funds that were expended or obligated during the Reporting Period;
- c. A detailed list of all projects or activities for which ARRA funds were expending or obligated, including: **SUPPLEMENTAL TERMS AND CONDITIONS FOR CONTRACTS**

USING ARRA FUNDS 08/10/09

- (i.) The name of the project or activity;
 - (ii.) A description of the project or activity;
 - (iii.) An evaluation of the completion status of the project or activity; and
 - (iv.) An estimate of the number of jobs created and /or retained by the project or activity;
- d. For any contracts equal to or greater than \$25,000:
- (i.) The name of the entity receiving the contract;
 - (ii.) The amount of the contract;
 - (iii.) The transaction type;
 - (iv.) The North American Industry Classification System (NAICS) code or Catalog of Federal Domestic Assistance (CFDA) number;
 - (v.) The Program source;

- (vi.) An award title descriptive of the purpose of each funding action;
 - (vii.) The location of the entity receiving the contract;
 - (viii.) The primary location of the contract, including the city, state, congressional district and country;
 - (ix.) The DUNS number, or name and zip code for the entity headquarters;
 - (x.) A unique identifier of the entity receiving the contract and the parent entity of Contractor, should the entity be owned by another; and
 - (xi.) The names and total compensation of the five most highly compensated officers of the company if it received: 1) 80% or more of its annual gross revenues in Federal awards; 2) \$25M or more in annual gross revenue from Federal awards and; 3) if the public does not have access to information about the compensation of senior executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 or section 6104 of Internal Revenue Code of 1986.;
- e. For any contracts of less than \$25,000 or to individuals, the information required above may be reported in the aggregate and requires the certification of an authorized officer of Contractor that the information contained in the report is accurate.

Any other information reasonably requested by the State of California or required by state or federal law or regulation.

Standard data elements and federal instructions for use in complying with reporting requirements under Section 1512 of the ARRA, are pending review by the federal government, and were published in the Federal Register on April 1, 2009 [74 FR 14824], and are to be provided online at www.FederalReporting.gov. The additional requirements will be added to this contract(s).

Attachment B



HIE Demonstration Project Applicant Information

APPLICANT INFORMATION

Legal Name: _____

Address:

Street 1	
Street 2	
City	
County	
State	
Zip/Postal Code	

Organizational Unit:

Department	
Division	

Name and contact information of Person to be contacted on matters involving this application:

Prefix	
First Name	
Middle Name	
Last Name	

Title: _____

Telephone Number: _____

Email: _____

Proposed Project:

- ☐ Privacy Rule
☐ Security Rule

Subject Area:	
Start Date:	End Date:

If a recipient of Federal Grant for HIE provide the following:

Grant Information

Name of Federal Grant:
Name of Federal Agency Awarding the Grant:
Federal Funding Opportunity Number:
Areas Affected by Project (Cities, regions, electoral districts, counties):
Descriptive Title of Applicant's Project for the Federal Grant: